

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DEREK WHITNEY

PLAINTIFF

v.

No.2:05CV110-P-D

OTIS TAYLOR, et al

DEFENDANTS

JUDGMENT

On consideration of the August 7, 2006, Report and Recommendation by the Magistrate Judge, and the plaintiff's September 6, 2006, objections to the Report and Recommendation, the Court is of the opinion that plaintiff's objections are without merit. As such, the Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated January 23, 2007 be, and it is hereby, **APPROVED AND ADOPTED**, and that the proposed findings of fact and conclusions of law therein set out be, and they are hereby, adopted as the findings of fact and conclusions of law of the Court.

2. That all of the plaintiff's claims against Otis Taylor, Sergeant McDonald, and Grievance Officer Forrest, are hereby **DISMISSED with prejudice**.

3. That the plaintiff's claims of excessive force against defendant Jackson, however, shall proceed.

THIS, the 29th day of January 2007.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE